



CASE LD0226 (DIV 1) 1FW

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December 14, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1623

MINOTTI ET AL.

Examiner: Devesh Khare

APPLICATION NO: 10/728,015

FILED: DECEMBER 4, 2003

FOR: METHOD FOR REDUCING TOXICITY OF COMBINED CHEMOTHERAPIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

This is in response to the Office Action dated September 24, 2004 regarding the above-mentioned patent application. Claims 1-14 are currently pending.

REMARKS**35 U.S.C. § 103 (a)**

Claims 1 to 14 stand rejected as allegedly obvious over U.S. Pat. No. 5,908,835 ('835) to Bissery in view of Loshak (XP-002222026: DG Dispatch-ECCO Sept. 17, 1999). The '835 patent teaches compositions comprising taxol, taxotere, and their derivatives, not including 4-desacetyl-4-methyl carbonate taxol. The Losak reference describes methods for treating breast cancer with Taxol and doxorubicin. Neither reference, either alone or in combination, teaches or suggests that combining the specific taxane derivative of the present invention with doxorubicin would result in a cancer treatment having a cardiotoxicity profile that is superior to known combinations. In fact, it is only with the benefit of hindsight provided by the instant specification that one skilled in the art would realize the superiority of the presently claimed methods. It is